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EXAMINER

PM51/0208

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BELFILER, R. P. ART UNIT PAPER NUMBER

20

3627

DATE MAILED: 02/08/99

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

### OFFICE ACTION SUMMARY

- Responsive to communication(s) filed on January 20, 1998
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

- Claim(s) 1 - 33 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- Claim(s) 1 - 11, 14 - 24 is/are allowed.
- Claim(s) 12, 13, 25 - 33 is/are rejected.
- Claim(s) \_\_\_\_\_ is/are objected to.
- Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

- All  Some\*  None of the CERTIFIED copies of the priority documents have been
- received.
- received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- Notice of Reference Cited, PTO-892 None
- Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- Interview Summary, PTO-413
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152

-SEE OFFICE ACTION ON THE FOLLOWING PAGES-

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## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's response filed January 20, 1999 crossed in the mail with the Examiner's office action mailed January 19, 1999. This office actions serves to completely replace the January 19, 1999 office action. Applicant time for response runs from the mailing date of this office action.

### ***Claim Objections***

2. Claims 11, 25 and 32 are objected to because of the following informalities: in claims 11 and 25 it appears that "intenser" should be --interior--. Claim 32 has an additional period (.) that should be deleted. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. Claims 12 and 13 and 28, 29, 31-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 12 is inconsistent with claim 1 and claim 13 is inconsistent with claim 6. In both claims 1 and 6, both a locking means and a sidebar are claimed as separate elements. In claims 12 and 13, applicant claims the locking means to include a sidebar. This is inconsistent with claims 1 and 6, unless a second sidebar is being claimed. It appears that lines 2-3 should be deleted from claims 12 and 13 to place the claims in condition for allowance. In claim 28, "said locking means" lacks antecedent basis. In claims 29 and 31, "said key" lacks antecedent basis. In claims 32-33, "a network of plugs including said plug, and a switching device controlling operation of said network" fails to further limit the "lock" claimed.

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In any event, applicant has elected to prosecute the plug of Figures 8A-8G in Paper #6 not the plug system which was never claimed to be the invention as originally filed.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 25-~~33~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over Aston 5,351,042 in view of Clarkson et al. 4,789,859. Aston teaches all the elements of the claimed invention including electric operator (40 or Fig 3), locking bar (42), key trap (Fig. 1), power supply on key and lock. Although, it is well known that rotatable lock plugs normally have means for supporting a rotatable cam, Aston fails to so state. It would have been obvious to one of ordinary skill in the art to add a bearing member like that taught by Clarkson to the second base of Aston for supporting a rotatable cam 69 as shown in Clarkson. Claims in a pending application should be given their broadest reasonable interpretation. In re Pearson, 181 USPQ 641 (CCPA 1974). There is no clear requirement in claim 25, that the electrical operator be part of the plug. Aston teaches an alternative embodiment of providing contacts on the key for connecting to contacts on the lock. The Examiner has treated the lock as comprising three elements, the lock case, the plug and the key even though the key is not normally considered part of the lock but
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merely operable with the lock. However, applicant's claims infer that he intends the key to be part of the lock.

***Response to Arguments***

6. Applicant has failed to provide any arguments with regard to the allowability of claims 25-32 filed January 20, 1999 in which Examiner may respond. However, applicant's representative is required to set forth a separate record of the telephone interview of January 18, 1999 with the Examiner. In that interview, the Examiner explained that she had gone ahead and considered several claims drawn to different none elected species in order to compact prosecution of this case. She also explained to applicant's representative exactly what changes needed to be made in order to place case in condition for allowance. The Examiner offered to make such changes by Examiner's amendment. Applicant's representative declined the Examiner's offer and stated that he would submit a supplemental amendment in an effort to place case in condition for allowance. The supplement amendment did not place case in condition for allowance as shown by this final action. Not a single change suggested by the Examiner was made.

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***Allowable Subject Matter***

7. Claims 1-11, 13-24 are allowed.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darnell Boucher whose telephone number is (703) 308-2492.

10. Any inquiry of a general nature relating to the status of this application should be directed to the group receptionist at (703) 308-2168.

February 5, 1999

*Darnell M. Boucher*  
Darnell M. Boucher  
Primary Examiner